

URGENT ACTION

SAMAN NASEEM TO BE RETRIED

Juvenile offender Saman Naseem has been returned to Oroumieh Central Prison, north-west Iran, where he had been held before to his five-month enforced disappearance. He will be retried by a criminal court in Oroumieh.

Saman Naseem was transferred on 19 September from the north-western prison of Zanjan to Oroumieh Central Prison, where he had been held until 18 February 2015, the day before he was scheduled to be executed. Amnesty International understands that he has been scheduled for an appointment with the Legal Medicine Organization for a psychological examination to assess his “mental maturity” at the time of the crime for which he was sentenced to death. This will be used during his retrial before Oroumieh’s Criminal Court One of West Azerbaijan Province.

Saman Naseem’s request for a judicial review of his case was granted by the Supreme Court on 22 April, which meant his conviction and death sentence were quashed and that he was entitled to a full retrial. The Head of the Judiciary had already ordered that his execution be stayed on 6 April, but neither his family nor lawyers were given any concrete information about his fate and whereabouts. They inquired repeatedly, but it was only in July that the authorities finally allowed him to make a phone call to his family.

Saman Naseem was sentenced to death in April 2013 by a criminal court in the north-western city of Mahabad, for “enmity against God” (*moharebeh*) and “corruption on earth” (*efsad fil-arz*) because of his membership of the Kurdish armed opposition group Party For Free Life of Kurdistan (PJAK), and for taking part in armed activities against the Revolutionary Guards. The Supreme Court upheld his death sentence in December 2013.

Please write immediately in Persian, English, Spanish, French or your own language:

- Urging the Iranian authorities to ensure that Saman Naseem’s retrial adheres strictly to international law and standards on juvenile justice without recourse to the death penalty;
- Reminding them that Iran has ratified both the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which strictly prohibit the use of the death penalty for crimes committed by persons below 18 years of age;
- Urging them to ensure that he is protected against torture and other ill-treatment, investigate his enforced disappearance and the allegation that he was subjected to torture or other ill-treatment, and ensure that “confessions” obtained from him under torture and other ill-treatment are not used as evidence in court.

PLEASE SEND APPEALS BEFORE 16 NOVEMBER 2015 TO:

Leader of the Islamic Republic
Ayatollah Sayed ‘Ali Khamenei
The Office of the Supreme Leader
Islamic Republic Street - End of Shahid
Keshvar Doust Street
Tehran, Islamic Republic of Iran
Email:
[http://www.leader.ir/langs/en/index.php?
p=suggest](http://www.leader.ir/langs/en/index.php?p=suggest)
Twitter: @khamenei_ir (English) or
@Khamenei_es (Spanish)
Salutation: Your Excellency

Head of the Judiciary
Ayatollah Sadeq Larijani
c/o Public Relations Office
Number 4, Deadend of 1 Azizi
Above Pasteur Intersection
Vali Asr Street
Tehran, Islamic Republic of Iran
Email: info@humanrights-iran.ir
Salutation: Your Excellency

And copies to:
President of the Islamic Republic of Iran
Hassan Rouhani
The Presidency
Pasteur Street, Pasteur Square
Tehran, Islamic Republic of Iran
Twitter: @HassanRouhani (English) and
@Rouhani_ir (Persian)

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the fourth update of UA 234/14. Further information:
<https://www.amnesty.org/en/documents/mde13/1138/2015/en/>

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ADDITIONAL INFORMATION

In the days leading up to 19 February 2015, a worldwide international campaign was mobilized to call for Saman Naseem's execution, which was scheduled for that day, to be stopped. Saman Naseem was transferred out of Oroumieh Central Prison to an undisclosed location on 18 February. His family asked prison officials and the Ministry of Intelligence office in Oroumieh what had happened, but the authorities claimed they knew nothing. They then told the family to pick up Saman Naseem's personal effects from Oroumieh Central Prison on 21 February, leading them to believe that Saman Naseem might have been executed. They were unable to get any concrete information from the authorities. Amnesty International learned in March that Saman Naseem had been transferred to Zanjan Prison on or about 19 February. The authorities, nonetheless, refused to provide his family and lawyer with any concrete information about what had happened to him or where he was. In July, he was permitted to phone his family, and after that they were allowed to visit him.

Saman Naseem had been arrested on 17 July 2011 after a gun battle between Revolutionary Guards and PJAK, in the city of Sardasht, West Azerbaijan Province. He was 17 at the time. Saman Naseem was not allowed access to his lawyer during early investigations. Court documents say that during the fight one member of the Revolutionary Guards was killed and three others were wounded. They also say that during early investigations Saman Naseem admitted firing towards the Revolutionary Guards forces in July 2011. He retracted this during the first court session, saying he had only fired into the air and had not been aware of the content of the written "confessions" he was forced to sign as he had been kept blindfolded while he was interrogated. He told the court that during interrogation he had been hung upside down from the ceiling while blindfolded and that the interrogators had put his fingerprints on his "confessions", the contents of which he did not know. He has also alleged that the interrogators pulled out his toenails and fingernails and beat him, leaving him with bruises on his back, legs and stomach. See <https://www.amnesty.org/en/latest/news/2015/02/iran-juvenile-offender-to-be-executed-in-a-week-gives-harrowing-torture-account/> for further information. The court dismissed his statements and allowed the use of his "confession" as evidence.

Saman Naseem was first sentenced to death in January 2012 by a Revolutionary Court but the Supreme Court overturned the sentence in August that year on grounds of lack of jurisdiction of the revolutionary court and sent the case back for retrial to the Provincial Criminal Court of Western Azerbaijan Province which has jurisdiction over crimes committed by persons under the age of 18. During his retrial, the court once again allowed the use of his "confession" and sentenced him to death.

Under the Islamic Penal Code, the execution of offenders under the age of 18 is allowed for *qesas* (retribution-in-kind) and *hodoud* (offences and punishments for which there are fixed penalties under Islamic law). However, Article 91 of the Islamic Penal Code excludes the death penalty for crimes that fall under these categories of punishment if the juvenile offender did not understand the nature of the crime or its consequences, or if there are doubts about the offender's "mental maturity or growth". The Supreme Court issued a "pilot judgment" on 2 December 2014 that all those on death row for crimes committed when they were under 18 years old could submit judicial review requests to the Supreme Court under Article 91 of the Islamic Penal Code.

The use of the death penalty against juvenile offenders – persons who were below the age of 18 at the time of the offence - is strictly prohibited under international law, as set out in Article 6(5) of the International Covenant on Civil and Political Rights and Article 37(a) of the Convention on the Rights of the Child, both of which Iran has ratified. Amnesty International opposes the death penalty in all cases without exception. The death penalty violates the right to life as proclaimed in the Universal Declaration of Human Rights. It is the ultimate cruel, inhuman and degrading punishment.

Name: Saman Naseem

Gender m/f: m

Further information on UA: 234/14 Index: MDE 13/2585/2015 Issue Date: 5 October 2015